

A regular meeting of the Planning Board was called to order on August 15, 2019 at 8:00 P.M. by Chairman Thomas Bettencourt. The meeting was held in the lower level conference room, City Hall, 24 Lowell Street, Peabody, MA. In attendance were Planning Board members: Atty. Peter Arvanites, Mr. Thomas Bettencourt, Mr. Dennis Feld, Mr. John Ford, Mr. John Franciose, Mr. Joseph Gagnon, and Mr. Roy Simoes. Absent were: Atty. Diane Cooper, Mr. Matthew Genzale, and Dr. Judith Otto.

A. Public Hearing: Mr. Bettencourt began by reading from the public notice hearing posted in the weekly news on July 25th, 2019 and August 1st, 2019. The public hearing is being held in regards to a proposed amendment to Section 6.16.3 of the City of Peabody Zoning Ordinance, proposing lowering the total number of affordable units from 25% to 20%. Mr. Andrew Levin, City Planner, presented the board with a Memorandum from Curt Bellavance, Director of Community Development, who was not present. The correspondence handed to the Board provided Mr. Bellavance's recommendation to the Board that they vote in favor of the decrease.

Planning Board Motion: Mr. John Ford: MOVE to receive the late addition of a Memorandum from Curt Bellavance, Director of Community Development, dated August 12, 2019 regarding the recommended change to the Residential Overlay. Motion Carried: Unanimous.

Discussion: Mr. Arvanites stated that the majority of the Board at the last public hearing regarding this Residential Overlay did not agree with an affordability requirement of 25%. Mr. Simoes stated that the Board at that time sent a Memorandum to the City Council recommending a 15% affordable housing minimum, but that recommendation was not heard or accepted.

Mr. Gagnon agreed with Mr. Simoes and Mr. Arvanites to stay with the original 15% recommendation, noting that anything more than a 15% minimum would dissuade developers.

Mr. Arvanites asked Mr. Levin if he knew of any evidence or studies regarding the benefit of increasing affordable housing that outweighs any detriment to development, but Mr. Levin was not aware of any. Mr. Levin continued that the 25% was in line the states M.G.L. Chapter 40R and 40B requirements and that this would only apply to the Overlay District, which consists of only 8 or 9 parcels.

Atty. Jason Panos, who was present on another matter, was called upon to give a summary as he was familiar with what parcels would be impacted. Atty. Panos said it would apply to most of the North Shore Mall, the MRI parcel across from Prospect Street, a group of parcels from the Messina building up to Prospect Street, the Mac's Trailer park on Rt. 1 and the parcel behind the Boston Sports Club on Rt. 1.

Mr. Bettencourt said that he did not believe the parcels were big enough to make a minimum requirement of 25% affordable housing economically feasible for developers.

Mr. Gagnon said he believed that the proposal was a "political feel good" and agreed that economically it would not work and could mean that developers would resort to using lower grade materials in construction to maximize profitability. Mr. Levin said that the Residential Overlay zoning ordinance has requirements for materials, but Mr. Gagnon said those requirements wouldn't prohibit developers from using lower grades.

Mr. Levin and Mr. Arvanites discussed current lot density compared to density allowed in the Residential Overlay area.

Mr. Simoes said that the Overlay District was conceived with possible expansion of the Mall, but that he doesn't believe the Mall is interested in expanding up at this time. If it does, it could be second and third floors on top of the existing stores similar to the Natick Mall expansion. Mr. Levin said he had not heard of this as a possibility. Mr. Ford said that he had heard of this as something that could happen down the road.

Mr. Robert DeNisco, developer of 45 – 49 Tremont Street, said that in the Overlay District, a commercial component on the first floor changes the allowed proportion and parking requirements.

Planning Board: **Motion:** Atty. Arvanites. MOVE to recommend adoption by the City Council of the zoning ordinance as published. Seconded by: Mr. John Ford. Mr. Bettencourt asked for a Roll Call to be taken. Motion Failed: 3 – 4.

Mr. Levin said that we would provide a Memorandum to the City Council regarding the failed vote.

Mr. Bettencourt closed the Public Hearing.

B. Approval of Minutes: Atty. Peter Arvanites **Motion:** To accept the minutes of the regular meeting of August 1, 2019. Seconded by: Mr. John Ford. Motion Carried: unanimous.

C. ANR/Land Court: None.

D. Site/Building Permit Plan Reviews:

- 1. 45 Tremont Street:** Mr. Levin told the Board that the applicant, Mr. DeNisco, had been before them previously and had been approved for the front area of the property, but was now before the Board seeking Site Plan Approval for the rear building at 45 Tremont Street.

Mr. DeNisco explained that he was not changing anything from the original proposal for an indoor recreation facility. He had previously proposed constructing a trucking company facility that had been approved unanimously by the City Council but changed that plan after receiving community pushback. Mr. DeNisco said that upon the recommendation of Mr. Al Talarico, Building Commissioner, he was before the Board to update them on the status of the project. He said that nothing has changed since he submitted plans in April 2019 and that he continued to work with the Department of Public Works regarding their twenty (20) recommendations detailed in a July 9, 2019 Memorandum. Mr. DeNisco stated that his is installing a 12-inch sewer main for the City as part of the Tremont Street project to alleviate flooding problems at Webster Street, he is installing a new walkway the entire length of Tremont Street, and that he has worked out all concerns with DPW, the City Solicitor and Peabody Municipal Light Plant. He said he is confident with the proposed plan, which is zoned by right, not requiring relief or a special permit. Mr. DeNisco showed the Board a graphic of the side view of the building on Corwin Street, which would look similar at the Main Entrance. Mr. DeNisco added that a pest control company had been hired and taken measures prior to and during demolition.

Mr. Betten court confirmed that Mr. DeNisco was referring to the conditions of the DPW's July 9, 2019 Memorandum.

Mr. Gagnon confirmed with Mr. DeNisco that he was before the Board tonight for a recommendation for the Building Department.

Mr. DeNisco continued to explain that the parcel at 45 – 49 Tremont Street included three (3) buildings and that he was before the Board tonight for 45 Tremont Street only, which is for proposed indoor recreation consisting of 14,000+ sf, one-story high with some mezzanine that overlooks basketball courts.

Mr. Levin said that Mr. DeNisco had already satisfied most of the twenty (20) items noted on the July 9, 2019 DPW Memorandum and that all of the heavy demolition had been completed.

Mr. Simoes asked about sewer mitigation and whether or not Mr. DeNisco would need to access neighboring property at 0 Webster Street owned by Mr. Ferragamo. Mr. DeNisco said that there already exists a right-of-way and that he will install a gate with a Knox box with a key for emergency access. He said that he had all rights to connect utilities to Tremont and Webster streets and that there is an existing culvert at a brook that would not bear any weight. Mr. DeNisco said that he will be responsible for all of his own stormwater mitigation.

Planning Board: **Motion:** Mr. John Ford. MOVE TO recommend issuance of a building permit for 45 Tremont Street, Building 3A (*Map 75, Lot 164A*) with the conditions that the petitioner continues to work with the Department of Public Services to address the twenty (20) items as noted on its Memorandum dated July 9, 2019 and to work with the Department of Public Health on the nine (9) conditions listed on its August 7, 2019 Memorandum. Seconded by: Mr. Roy Simoes. Motion Carried: unanimous.

2. **41 Cross Street:** **Motion:** Mr. Ford. MOVE TO accept two (2) late additions; one being the DPS Memorandum re Sewer Loading dated August 15, 2019 and the second being the Morin-Cameron Group Memorandum re Sewer Flow Calculation dated August 15, 2019 for 41 Cross Street. Seconded by: Mr. Arvanites. Motion Carried: unanimous.

Atty. Panos and Scott Cameron, Engineer, of Morin Cameron, 66 Elm Street, Danvers, MA , for the applicant, Prospect Hill Realty Trust.

Atty. Panos said that they went before Construction Review the week before and that all three (3) issues raised had been addressed: depiction of landscaping on the Site Plan on the Prospect Street side, required water and fire suppression had been provided as per Lt. Dowling of the Peabody Fire Department, and that sewer calculations had been provided in the late addition.

Atty. Panos said that minor landscaping changes had been done and that the City Council issued the applicant a Special Permit in July to take the building from 100% hotel to eighteen (18) apartments and nine (9) hotel units with a function facility.

The applicant proposes five (5) efficiency apartments and thirteen (13) one-bedroom units. Hotel rooms will be located on the 1st, 2nd and 6th floors with the function room located on the 6th floor.

Atty. Panos said that they meet the Residential Overlay requirements for mixed-use.

Amenities have been added which include an indoor bike rack, open space area, updated parking to coincide with the new residential use. The fire suppression system had been updated and the applicant is very close to closing up the project and will seek a certificate of occupancy pending the outcome of tonight's appearance before the Planning Board.

Mr. Cameron said he has worked on this project since 2007 and that it's been in operating since the Alto Forno restaurant located in the adjacent building on the property opened nearly two (2) years ago. All updates have been completed and the changes have been added to the Table of Uses on the plans.

Mr. Cameron added that valet parking would be off-site and the applicant had obtained a lease with the property owner next door for that use.

Parallel parking spaces had been added along with a landscaping buffer in front of the door leading to underground parking. A picnic table in the open space area had been added, along with a dumpster with parking restrictions at the adjacent space to allow for dump truck access.

Mr. Ford asked if the applicant was seeking approval for a modification or a special permit. Mr. Levin said that as part of City Council approval, the applicant needed Site Plan approval and that the applicant is showing the Board how they are meeting the Residential Overlay requirements.

Atty. Panos said that these are the same plans with subtle changes and that they had already previously complied with most of the Overlay requirements.

Mr. Ford asked about who would be using the dumpsters and Mr. Cameron said that both the restaurant and residences would be, but that he expected resident trash to be minimal.

Mr. Ford asked about how many elevators and the applicant said that there would be one (1) elevator with proper signage.

Atty. Panos said that there would be 25% affordable units which translates to four (4) units and that the applicant is bound to stay at that level if and until the requirements change, which if requirements change, affordable units would then go down to three (3).

Mr. Levin said that he had met with the applicant and asked for additional plantings to be installed to provide a buffer, for bike racks to be installed and for parking to be updated and that all requests had been met.

Mr. Simoes asked about what type of trees the applicant would be planting on City property along Prospect Street out of concern that they would impinge on the sidewalk. Mr. Cameron said that they would be a small arborvitaes that would not grow too wide.

Mr. Simoes asked for clarification on where the residences would be located. The applicant said that the 4th and 5th floors would be all residences, the 3rd floor would have two (2) hotel rooms and four (4) apartments, the 2nd floor would be the same as the 3rd, the 1st floor would have four (4) hotel rooms and two (2) apartments, and the 6th floor would have one (1) Handicap hotel room and function room.

Mr. Gagnon asked if the apartments would be leased, and the applicant said yes. Mr. Gagnon questioned what the length of hotel stays would be. Atty. Panos said the hotel room stays are on a day-to-day basis and are charged on a day-to-day basis, and operate under a license, while apartments operate under a lease.

Planning Board: Motion: Mr. John Ford. MOVE TO approve the amendment to the original site plan for 41 Cross Street (Map 39, Lot 48X). with the condition that the petitioner comply with the Department of Public Services Memorandum dated August 15, 2019 regarding the increase in water and sewer consumption. Seconded by: Mr. Roy Simoes. Motion Carried. unanimous.

E. **Appointments:** None.

F. **Subdivision Board Action:**

1. **Proposed Stonegate Subdivision Application:**

Mr. Levin told the Board that he had omitted an infrastructure report from Mr. Christopher Mello of Eastern Land Survey at the previous meeting. DPS received back a revised set of plans answering the Meridian third-party report and Meridian is once again reviewing the revised set of plans. Mr. Levin has not yet received an update, but will inform the Board as soon as he does.

2. **Birch Hill Subdivision:**

Mr. Levin said that the developer, Mr. Crupi, was on vacation and would like to come before the Board at the next regular meeting on September 5. Mr. Crupi sent DPS information for review and Mr. Levin anticipates that he will have an update for the September 5 meeting.

Mr. Simoes pointed out a discrepancy in a line item of the bond provided.

Mr. Simoes said he recently visited the site and said most of the roadways are paved and the infrastructure conduits are in place.

G. **Correspondence:**

1. **Regional Notices:** No action.

2. **Special Permits:** No action.

H, **City Council:** None.

I. **Other Matters Properly Before the Board:**

J. **Adjournment: Motion:** Meeting adjourned at 8:11 P.M.: